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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,789	02/23/2004	Susumu Sato	8012-1233	5513

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YOUNG & THOMPSON  
745 SOUTH 23RD STREET  
2ND FLOOR  
ARLINGTON, VA 22202

EXAMINER

KIM, SANG K

ART UNIT PAPER NUMBER

3654

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/782,789	<b>Applicant(s)</b> SATO, SUSUMU	
	<b>Examiner</b> SANG KIM	<b>Art Unit</b> 3654	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/23/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

*Handwritten mark*

***Claim Objections***

Claims 1-13 are objected to because of the following informalities:

In claim 1, lines 4-9, "a press member for...revolution," should be --a press member pressing a leading portion of said web against a peripheral surface of said core; said press member attached to a revolving mechanism; and said revolving mechanism and said press member moving in a circular motion with the peripheral surface of said core in synchronism with a rotation of said core only until said leading portion of said web makes one revolution---. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 6-8, "a revolving mechanism for performing a circular motion of said press member along the peripheral surface of said core," is indefinite and vague. What element(s) is/are moving along the peripheral surface of the core with respect to which element? Is applicant referring to the revolving mechanism and the press member moving with the peripheral surface of the core?

In claim 13, line 25, "said arm" is indefinite and vague. Which arm is applicant referring to? the first or the second arm?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 02243449.

JP '449 shows a taking-up device comprising: a press member (9) pressing a leading portion of said web (10) against a peripheral surface of said core (1); a revolving mechanism (7) and the press member (9) moving in a circular motion with the peripheral surface of said core in synchronism until the leading portion of the web makes one revolution around the core and about to wound in a stack condition, as shown in figures 1-2. Note: It has been held that the recitation that an element is “for or for performing” is intended use or to perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. Also, the term, “until” does not preclude from the core making a 360 degree rotation.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 02243449, in view of Takano et al., U.S. Patent No. 5794869.

With respect to claim 2, as advanced above, JP '449 shows the take-up device for winding a web around the core, but does not show the take-up device incorporated with a film scanner, a photographic printer and paper to make a photograph machine, which is common in the film industry.

Takano '869 shows the take-up device incorporated with a photo film (26), a film scanner (30, 32), a photographic printer (13) and paper (31) to make a photograph machine, see figure 2.

JP '449 discloses the claimed invention except for the housing comprising a film scanner, a photographic printer and paper. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify or incorporate the items listed above into JP '449 as taught by Takano '869, in order to develop or process negative films in the photograph machine.

With respect to claim 3, as advanced above, JP '449 shows the press member (9) is a nip roller, see figures 1-2.

With respect to claim 4, as advanced above, JP '449 shows a take-up shaft (4a) to which said core (1) is fixed but does not explicitly show a first motor connected to the take-up shaft for winding.

Takano '869 shows a motor (59) connected to a shaft, see figure 5.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify or incorporate the motor into JP '449 as taught by Takano '869, in order to wind or unwind the film automatically.

With respect to claims 5-6, as advanced above, JP '449 shows a first arm (3) and a second arm (7), said first arm (3) is attached to said take-up shaft (4a), and said second arm (7) is rotatably attached to said first arm (3) via a supporting-point shaft (6a), said nip roller (9) being attached to a top end of said second arm (7).

With respect to claims 7-8, as advanced above, JP '449 shows moving means (i.e., using motors 4, 6) for moving said second arm (7) between a first position and a second position (i.e., pivoting motions shown in figure 2), said second arm being folded relative to the first arm (3) in said first position so as to press said nip roller (9) against said core (1), and said second arm (7) straightening with said first arm (3) in said second position (i.e., 3 and 7 would move around the outer periphery of the core 1 and can pivot to prevent the nip roller from getting in the way) so as to prevent the nip roller (9) from disturbing the film as it makes one revolution around the core.

### ***Allowable Subject Matter***

Claims 9-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See JP 02106731.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

9/7/05

*Kathy Matecki*  
KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600